

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DR. FARNOSH FARIBA,

Plaintiff,

vs.

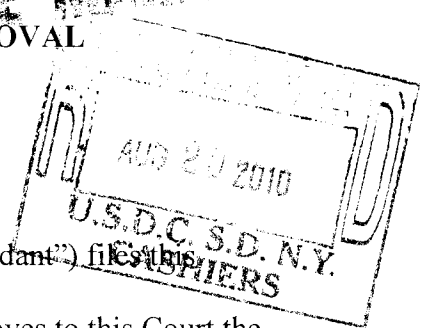
PFIZER INC.,

Defendant.

X 10 CV 06276

No. \_\_\_ Civ. \_\_\_

NOTICE OF REMOVAL



PLEASE TAKE NOTICE that Defendant Pfizer Inc. ("Defendant") filed this

Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, and removes to this Court the action known as Dr. Farnosh Fariba v. Pfizer Inc., Index No. 10110186, previously filed in the Supreme Court of the State of New York, County of New York. The grounds for removal are as follows:

1. This action was commenced on August 2, 2010 by the filing of a Summons as well as a Summons with Notice with the Clerk of the Supreme Court of State of New York, County of New York. The Summons, Summons with Notice and other accompanying documents were delivered by hand to Defendant<sup>1</sup> on August 2, 2010. The accompanying documents include a Statement of the Case, Particulars, Witness Statement of the Claimant and an Annex, altogether which the Defendant construes as a complaint for present purposes (the "Complaint"). A copy of the Summons, Summons with Notice and the associated document are annexed hereto as Exhibit A.

<sup>1</sup> The Summons, Summons with Notice and accompanying papers were personally delivered to Mr. Erick Carter on August 2, 2010, as well as sent via facsimile to Sidley Austin LLP on August 3, 2010. Mr. Carter is a receptionist in the messenger center of Pfizer Inc. Neither Sidley Austin LLP nor Mr. Carter are authorized to accept service under New York Civil Practice Law and Rules ("CPLR") 311.

2. Defendant has not yet answered the Complaint. No further proceedings have occurred in the above-titled action in the Supreme Court of the State of New York, County of New York, other than a letter request filed by the Plaintiff with respect to authentication of documents.

3. This Notice of Removal is timely under 28 U.S.C. § 1446(b) because it has been filed well within thirty days after receipt by Defendant, through service or otherwise, of the Summons and Notice.

4. The Summons with Notice and the Complaint purport to assert the following claims against the Defendant: (1) dishonest and deceitful business practices, under Section 626 of the New York General Business Law; (2) breach of fundamental human rights; (3) breach of constitutional right of privacy; (4) false light, slander and defamation; and (5) falsification of personal documents and breach of the Safe Harbor Act. (See Notice and Complaint).

5. This Court has original jurisdiction over this action under 28 U.S.C. §1331 based on the federal questions raised by Plaintiff's claims. Specifically, this Court's subject matter jurisdiction derives from Plaintiff's assertions of a claim alleging violations of the Plaintiff's constitutional right to privacy, pursuant to the First, Fourth and Fourteenth amendments to the United States Constitution.

6. The action presents a further federal question in its assertion of a claim under the "Safe Harbor Act." Although there is no "Safe Harbor Act" statute per se; in context, this appears to be a reference to U.S. – European Union Safe Harbor Framework, which is an agreement between the U.S. Department of Commerce and the European Commission. See Issuance of Safe Harbor Principles and Transmission to European Commission; Procedures and

Start Date for Safe Harbor List, 65 Fed. Reg. 45,666 (July 24, 2000), as corrected by 65 Fed. Reg. 56,534 (Sept. 19, 2000) (not codified).

7. The action presents a third federal question in its assertion of various human rights claims under “EU and UN Convention.”

8. This Court has supplemental jurisdiction over Plaintiff’s remaining claims under 28 U.S.C. § 1367, which provides that “in any civil action of which the courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related in that they form part of the same case or controversy[.]”

9. Removal is therefore proper under 28 U.S.C. §§ 1331 and 1441(a).

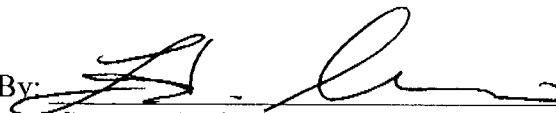
10. Promptly upon filing of this Notice of Removal, a true copy of this Notice of Removal will be provided to all adverse parties pursuant to 28 U.S.C. § 1446(d).

11. Concurrently with the filing of this Notice of Removal, Defendant will be filing a Notification of Filing of Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York. A copy of the Notification of Filing of Notice of Removal is attached hereto as Exhibit B.

WHEREFORE, Defendant hereby removes this action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: New York, New York  
August 20, 2010

SIDLEY AUSTIN LLP

By: 

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Nicholas H. DeBaun

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*Attorneys For Defendant Pfizer Inc.*



**IN THE SUPREME COURT OF STATE OF NEW  
YORK**

**COUNTY OF NEW YORK**

**Dr Farnosh Fariba**

**V**

**PFLIZER CORPORATION**

Print in black ink all areas in bold letters. This summons must be served with a complaint.]

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

NEW YORK  
COUNTY CLERK  
SUMMONS  
AUG 02 2010

\_\_\_\_\_x  
DR FARNOSH FARIBA.

Index Number  
WITH COPY FILE  
10110286

[your name(s)] Plaintiff(s)  
- against -

\_\_\_\_\_x  
PFIZER INCORPORATED

Date Index Number purchased  
2/8/2010

\_\_\_\_\_x  
[name(s) of party being sued] Defendant(s)

To the Person(s) Named as Defendant(s) above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the complaint of the plaintiff(s) herein and to serve a copy of your answer on the plaintiff(s) at the address indicated below within 20 days after service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

Dated: 2/8/2010  
[date of summons]

Farna Fariba  
[sign your name]

Dr FARNOSH FARIBA  
[print your name]

Suite 4, 54 Tavistock Place  
London, WC1H 9RG, UK  
(+44) 7798904985  
[your address(es), telephone number(s)]

Defendant(s) PFIZER INCORPORATED  
235 4th Street  
New York  
New York 10017, US  
[address(es) of defendant(s)]

Venue: Plaintiff(s) designate(s) New York County as the place of trial. The basis of this designation is: [check box that applies]

- Plaintiff(s) residence in New York County
- Defendant(s) residence in New York County
- Other [See CPLR Article 5]: \_\_\_\_\_

[Print in black ink all areas in bold letters, Both pages must be completed. This summons cannot be used for divorce actions.]

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

\_\_\_\_\_x  
Dr FARNOSH FARIBA

[your name(s)] Plaintiff(s)

- against -

PFIZER INCORPORATED

[name(s) of party being sued] Defendant(s)

SUMMONS WITH NOTICE

Index Number

10110186

Date Index Number purchased 2/8/2010

NEW YORK  
COUNTY CLERKS OFFICE

AUG 08 2010

NOT COMPARED  
WITH COPY FILE

To the Person(s) Named as Defendant(s) above:

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to appear in this action by serving a notice of appearance on the plaintiff(s) at the address set forth below, and to do so within 20 days after the service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the summons is not delivered personally to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer or appear, a judgment will be entered against you by default for the relief demanded below.

Dated: 2/8/2010  
[date of summons]

Farna Fariba  
[sign your name(s)]

Dr FARNOSH FARIBA  
[print your name(s)]

Suit 41, 56 Tavistock Place  
London WC1H 9RG, UK.  
(0044) 7798 904985  
[your address(es), telephone number(s)]

Defendant(s) PFIZER INCORPORATED  
235 42nd Street  
New York  
New York 10017, US  
[address(es) of party being sued]



Notice: The nature of this action is [briefly describe the nature of your case against the defendant(s), such as, breach of contract, negligence]:

i) Dishonest and deceitful business practices, under § 626 of the New York General Business Law; ii) Breach of fundamental human rights by the defendants and their representatives; iii) Breach of Constitutional right to privacy; iv) False light, slander and defamation; v) Fabrication of personal documents and breach of Safe Harbor Act of the United States

The relief sought is [briefly describe the kind of relief you are asking for, such as, money damages of \$25,000]

i) Correction of internal personal documents held by the company which have been processed and fabricated by the defendants in the jurisdiction; ii) Money damages for breach of fundamental human rights for \$1,200,000, wasted cost, damages and accumulated interest.

Should defendant(s) fail to appear herein, judgment will be entered by default for the sum of \$1,463,250.00 [amount of money demanded], with interest from the date of 13/9/2010. [date from which interest on the amount demanded is claimed] and the costs of this action.

Venue:

Plaintiff(s) designate New York County as the place of trial. The basis of this designation is

[check box that applies]:

Plaintiff(s) residence in New York County

Defendant(s) residence in New York County

Other [See CPLR Article 5]: \_\_\_\_\_

VERIFICATION

I, FARNOSH FARIBA, being duly sworn, deposes and says:

I am the plaintiff in the above-entitled action. I have read the foregoing complaint and know the contents thereof. The same are true to my knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters I believe them to be true.

*Farna Fariba*  
[sign your name in front of a Notary]

Dr Farnosh Fariba BPharm MRPharm  
[print your name]

State of New York }  
County of New York } ss.

Sworn to before me this  
\_\_\_\_\_ day of AUG 02 2010, 200\_\_\_\_\_

*Margaret Schwartz*  
Notary Public

MARGARET A. SCHWARTZ  
Notary Public, State of New York  
Reg. No. 04806152068  
Qualified in New York County  
Commission Expires Aug. 23, 2011

Instructions: This affidavit must be used for service of a Summons and Complaint, a Summons with Notice, a Notice of Petition and Verified Petition, an Order to Show Cause and Verified Petition or Subpoena. Print to fill in the spaces next to the instructions.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

Dr. Farnesh Fariba  
[fill in names(s)] Plaintiff(s)/Petitioner(s)  
- against -

Index Number

10110186

Phizer Incorporated  
[fill in names(s)] Defendant(s)/Respondent(s)

AFFIDAVIT OF SERVICE  
of INITIATING PAPERS  
COUNTY CLERK'S OFFICE

AUG 02 2010

STATE OF NEW YORK  
COUNTY OF NY ss:

NOT COMPARED  
WITH COPY FILE

Eric P. Owens, [name of person who served papers],

being duly sworn, depose and say:

I am over 18 years of age and am not a party to this case.

I reside at [your address] 527 BROOKLYN AVE BRUN, NY 11225

On 2/8/2010, [date of service], at \_\_\_\_\_ AM / PM [time of day], I served the attached papers [identify papers served]

The Claim and Supporting document  
on the defendant in this case. The address of the place where the papers were served is [location where papers served] 235 4<sup>th</sup> St, New York, New York 10017, US

I served the papers in the manner indicated below: [check box that applies]:

1)  Individual By delivering a true copy of each to the defendant personally, I knew the person served to be the person named in those papers because [How did you know defendant?] The person is a member of staff at the company [Fill out description of defendant on page 2].

2)  Corporation Phizer Incorporated [name of business], a domestic corporation, by delivering a true copy of each to [Identify person served] Eric Carter [Fill out description of person on page 2], who is [identify his/her job title] Receptionist in the Messenger Center. I knew the corporation to be that listed in the papers served and I knew the title of person named above and that he/she was authorized to accept service.

3) Substituted By delivering a true copy of each to [Identify person served] \_\_\_\_\_  
Service To Mr Carter [Fill out description of person below] a  
person of suitable age and discretion, at the actual place of business, dwelling house,  
or usual place of abode in the state, and mailing, as indicated below.

Mailing I also enclosed a copy of the above papers in a postpaid, sealed envelope properly  
(Use with 3) addressed to defendant's last known residence or actual place of business, located at  
[address] \_\_\_\_\_  
and I deposited the envelope in a post office depository under the exclusive care and  
custody of the United States Postal Service within New York State.

Description The individual I served had the following characteristics: [Check one box in each  
(Use with 1, 2, category):  
or 3

- | <u>Sex</u>                               | <u>Height</u>                               | <u>Weight</u>                                      | <u>Age</u>  |
|--|---|--|---|
| <input checked="" type="checkbox"/> Male | <input type="checkbox"/> Under 5"           | <input type="checkbox"/> Under 100 lbs.            | <input type="checkbox"/> 21 - 34 years            |
| <input type="checkbox"/> Female          | <input type="checkbox"/> 5'0" - 5'3"        | <input type="checkbox"/> 100 - 130 lbs.            | <input checked="" type="checkbox"/> 35 - 50 years |
|  | <input type="checkbox"/> 5'4" - 5'8"        | <input type="checkbox"/> 131 - 160 lbs.            | <input type="checkbox"/> 51 - 61 years            |
|  | <input type="checkbox"/> 5'9" - 6'0"        | <input checked="" type="checkbox"/> 161 - 200 lbs. | <input type="checkbox"/> Over 61 yrs.             |
|  | <input checked="" type="checkbox"/> Over 6' | <input type="checkbox"/> Over 200 lbs.             |   |

Color of skin [describe]: Brown  
Color of hair [describe]: Black & Grey  
Other identifying features, if any [describe]: Average Build

Military I asked the person to whom I spoke whether the defendant was in the military of the United  
Service States or New York State in any capacity and was told that he/she was not. Defendant did not  
wear a military uniform. I state upon information and belief that the defendant is not in the  
military service of the United States or New York State. The basis for my belief is the  
conversation(s) and observation(s) described above.

Sworn to before me this  
2nd day of Aug, 2002010  
Jasmine J. Vaden  
Notary Public

E. Owens  
[sign your name before a Notary]  
E. OWENS  
[print your name]

JASMINE J. VADEN  
Notary Public, State of New York  
Reg. No. 04VA6132301  
Qualified in New York County  
Commission Expires Aug. 18, 2013

**IN THE SUPREME COURT OF STATE OF NEW  
YORK**

**Applicant's Notice**

**2 August 2010**

**IN THE SUPREME COURT OF STATE OF NEW  
YORK**

**Details of the Claimant**

Dr Farnosh FaribaBPharmMRPharmS,  
Sulte 41, 56 Tavistock Place,  
London, WC1H 9RG,  
United Kingdom.  
E-mail: frnfariba@hotmail.com  
Fax: (+44) 207 2789717

**Details of the Defendant**

Pfizer Incorporated  
235 42<sup>nd</sup> street.  
New York,  
New York 10017  
United States.

**Details of Council for Defendant**

Mr E McNicholas  
Sidley Austln  
1501 K Street,  
North West Washington, DC 20005  
United States  
E-mail: emcnicholas@sidley.com  
Fax: 202.736.8711

## IN THE SUPREME COURT OF STATE OF NEW YORK

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### Action Pursuant to

Dishonest and Deceitful Business Practices, under s.626 of the New York General Business Law

Breach of Fundamental Human Rights

Breach of Constitutional Right to Privacy

False Light, slander and defamation

Falsification of personal documents and breach of Safe Harbor Act

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### STATEMENT OF THE CASE

The application is filed in the failure of the defendant and the defendant's legal representatives in the Claimant's fundamental human rights, in that:

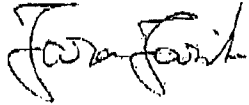
- a. The Claimant is in serious fear for her life, security and safety since commencing lawful litigation against the defendants in the claim.
- b. The Claimant has been faced with ill-treatment prohibited by the UN Convention in the prohibition of mental and emotional threat and torture, and inhuman or degrading treatment;
- c. The Claimant's right to a fair trial, protected by EU and UN Convention has been breached due to prejudicial and unlawful conduct of the defendant and their representatives in the falsification of court documents in United Kingdom, including the High Court, whilst the company is under a corporate integrity agreement with the US Department of Justice, dated 31 August 2009.
- d. The claimant's right to respect for private and family life has been subject to detriment, in breach of moral codes of conduct, and privacy laws of the jurisdiction. This breach includes electronic and telephonic communications, and sensitive personal data concerning the claimant, in breach of EU and UN Convention and business practice conduct of the State of New York.

**IN THE SUPREME COURT OF STATE OF NEW  
YORK**

**Statement of Truth**

I believe that the facts stated in this document and any continuation sheets are true.

Signed



Dated

2/8/2010

Applicant's full name: Dr Farnosh Fariba BPharmMRPharmS



# IN THE SUPREME COURT OF STATE OF NEW YORK

Dr Farnosh Fariba

V

PFIZER INCORPORATED

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## Particulars

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1. The Claim has been filed pursuant to breach of moral and ethical codes of conduct by the defendant, their employees and representatives in the jurisdiction and in the UK. The defendant and the representatives of the defendant have failed to adhere to the UN code of conduct in the prohibition of breach of fundamental human rights.
2. The Claimant was employed by the pharmaceutical company within the UK subsidiary of Pfizer Ltd, which is managed by the defendant, Pfizer Incorporated, based in the United States. The Claimant was informed in May 2008 that she would need to assist with overwhelming safety issues and submissions for a medicinal product called pregabalin (Lyrica).
3. The company has faced criminal charges with regard to off-label marketing and deceptive practices, in efforts including this product in the United States, leading to a plea of guilt to money-laundering and fraud on 31 August 2009. Pfizer has pleaded guilty under the small subsidiary of Pharmacia and Upjohn, in an out of court settlement with the US Department of Justice. This was in regard to the welfare of US patients in that charging Pfizer itself would have barred the company from any further interaction with Medicare, which would have resulted in its imminent financial collapse, in detriment of patients on other pre-existing medication. Known as a repeat offender, Pfizer was fined US \$2.3 billion for defrauding the Department of Health and Human Services and forced into a corporate integrity agreement for the fourth time in ten years.
4. The claimant had faced an unlawful US constructive dismissal subsequent to making internal protected disclosures regarding unlawful conduct of senior Pfizer management, and in the falsified submissions being made to the European Medicines Agency (EMA) during the period of her employment.
5. Employment proceedings had commenced against Pfizer in UK, where the claimant was based, on 14 April 2009. Pfizer has however actively withheld evidence material to the proceedings and further engaged in unlawful conduct causing detriment to the claim. This has included breach of privacy laws, Data Protection Act and stealing the claimant's evidence from a firm of solicitors in the UK. Whilst some photocopies of these documents have been "volunteered" to the claimant as a "goodwill gesture" on 12 February 2010, the photocopies are evidenced to have undergone conversion in their text and content. Pfizer is further refusing to deliver the original court evidence which have at all times belonged to the claimant. These additionally include the claimant's contract of employment with the company, internal Pfizer policies, original and official correspondences, witness statements and further articles of evidence against the respondents in the claim.

## IN THE SUPREME COURT OF STATE OF NEW YORK

6. As the claimant's unlawful dismissal had involved the falsification of internal company records in the personnel and employment files, the claimant has further filed proceedings at the London High Court for breach of Data Protection Act 1998 and the relevant EU Directive 95/46/EC, seeking to view and correct her personal data. The claim was served on Pfizer Ltd on 9 March 2010, and further served on the parent company, Pfizer Incorporated, in the United States, upon permission of the High Court for service out of jurisdiction, dated 1 April 2010.
7. The claimant has reported being followed and harassed since filing litigation against Pfizer in 2009 to the Metropolitan police. The claimant was further evidenced and recorded in an emergency call to the UK police on 17 January 2010, when her life was threatened after being followed from work. The Metropolitan police has continued with their investigations into these matters in protecting the claimant's fundamental right to life. It is through candor and commitment that the claimant has conducted her litigation against Pfizer, and is filing the present claim in the same spirit.
8. The Claimant's right to a fair trial, protected by Article 6 has been breached due to prejudicial falsifications evidenced in falsified documents in UK courts. The claimant's Employment Proceedings at London South Employment Tribunal has been unlawfully struck out immediately prior to a scheduled hearing, upon suspicious circumstances. A court order dated 1 April 2010 in this regard is confirmed in writing by the Tribunal President to be "purported" in its accuracy and content.
9. Pfizer is evidenced to have engaged in unlawful collusion with employees of the Ministry of Justice, the claimant's own instructed solicitors and the UK's Serious Organised Crime Agency, which is a covert arm of the Home Office, set up in regard to issues of international arms trade and human slavery. The latter has been recruited subsequent to false allegations by Pfizer, and their instructed solicitors Speechly Bircham.
10. The claimant has repeated and conclusive evidence that her e-mail and telephonic communications are being intercepted by and on behalf of Pfizer. Much of the intrusion is evidenced in writing within submissions being made by Pfizer and their instructed solicitors to the UK Courts and within their unlawful litigation strategies for court proceedings.
11. Pfizer has taken disproportionate and underhand measures to instill fear of retaliation in seeking to undermine and silence the Claimant, and avoid the disclosure of evidence of its criminal misconduct. Pfizer is in fear of sanctions and penalties by the European Medicines Agency (EMA) in its breach of statutory and regulatory obligations towards the recipient patient population due to its business practices. The unlawful conduct is evidenced and witnessed to be endorsed by senior management.
12. The Claimant contends that Pfizer is knowingly falsifying submissions and reports to regulatory agencies using patients in the community as inadvertent human guinea pigs and further withholding the information obtained from conducted clinical trials from regulatory authorities, prescribers and patients. The Claimant had raised protected disclosures during the period of her employment, which extend beyond Lyrica, due to her ethical and legal responsibilities to patients. The Claimant would contend that Pfizer is knowingly poisoning the public in return for financial benefit.
13. What has been the most disruptive and destructive, in Pfizer's conduct and all those involved in the litigation, directly or otherwise, is the secrecy of conduct in an unexplained artificial agreement within a situation that has been unlawful and morally unacceptable. The sequence of events and actions are believed to be as a result of

## **IN THE SUPREME COURT OF STATE OF NEW YORK**

Pfizer's aggressive bullying tactics, attempts to practice random US legislation in UK Courts, whilst making false denials, withholding evidence, and employing resources which are secretive in operation such as the Serious Organized Crime Agency.

14. The claimant has sought to tell the truth and uphold her lawful right to litigation for an unlawful dismissal. The Claimant is a practicing healthcare professional and an advocate of freedom of knowledge and information in a transparent fashion to prescribers, patients and Regulatory Authorities who have due diligence and legal liability to the population under their care. The disproportionate and unlawful means that Pfizer has deployed for the sole purpose of business finances has resulted in the claimant's unlawful legal detriment which continues to date.

## IN THE SUPREME COURT OF STATE OF NEW YORK

Dr Farnosh Fariba

V

PFIZER INCORPORATED

### Background to Proceedings against Pfizer Corporation: Pfizer LTD and Pfizer INC

1. On 3<sup>rd</sup> of July 2008, the Claimant's Manager, had submitted an email correspondence to senior Human Resources personnel, to allege "sabotage" by the Claimant in causing a "negative business impact". This correspondence was in relation to the submissions being made to the European Medicines Agency (EMA), subsequent to the Claimant raising serious safety and efficacy issues, including the existing product license for the indication of Generalized Anxiety Disorder (GAD), the company's falsification and withholding of safety information and a new application which was being submitted to the EMA for an application for the extended indication of fibromyalgia. The manager was subsequently instructed by senior US Human Resources to begin documenting evidence of "incompetence," so as to engineer a dismissal based on "capability", without following the procedures laid down by the UK Employment legislation.
2. On 6th August 2008, the Claimant had an industrial accident at approximately 8am on Pfizer's premises, resulting in the fracture and injury to her elbows. The Claimant was signed off work for a total of 7 weeks, for which 3 sickness certificates were issued.
3. Pfizer had however re-written a falsified Accident Report Form, containing many inaccuracies and further alleging that the Claimant was already wearing an arm-sling on her left elbow and that her footwear had been "dolly slippers," complete with a schematic diagram of this type of footwear.
4. The management of Pfizer had continued to insist that the Claimant's fall on the work premises had been "alleged," thereby falsifying the internal records to accuse the Claimant of occupational incrimination. This was despite medical evidence provided by the Claimant for the injury. The Claimant was repeatedly pressured to return to work in order for the Pfizer to decide whether she was fit to be at work.
5. It would appear that the Claimant's unlawful dismissal had already begun, as of 3rd of July 2008 and the industrial accident was impeding the contrived constructive dismissal.
6. The Claimant had met with the International Director of Human Resources on 16th August 2008, to discuss the bullying and harassment, which was being experienced in Pfizer's Worldwide Regulatory Affairs division, managed by the parent company, Pfizer Inc.. This confidential discussion was treated as the submission of an official grievance by the claimant as Pfizer's official Disciplinary Procedures had been enclosed with a letter dated 1 September 2008.
7. The Claimant had returned to work, earlier than advised, on 29th September 2008, due to fear of losing her employment. The Claimant submitted an official grievance for bullying, harassment and discrimination when she returned to work, as appropriate.
8. On 29th October 2008, the Claimant received a copy of what has been referred to as "Katie Page investigation Report," the content of which contained fabrications and incriminating statements against the Claimant.
9. A contrived "year-end" assessment report by the three respondents in the Employment claim, had included a false report given by Ms McDonald of Pfizer. This had involved evidence of the claimant's work which the company has failed to disclose to date, despite falsified allegations of "incompetence", as further inferred

## IN THE SUPREME COURT OF STATE OF NEW YORK

by the filed ET3 at London South Employment Proceedings, subsequent to the claimant's unlawful US dismissal on 15<sup>th</sup> January 2010. The work and the falsified allegation by Ms MacDonald regarding a matter which she is not qualified to understand includes evidence of criminal misconduct in a clinical trial which mirrors that of the Kano tragedy in Nigeria. Pfizer has pleaded guilty to crimes against humanity in this regard in 2009, in an out of court settlement effected as reported in July 2010, with the Nigerian government, after making every effort to impede this litigation being brought in US for over a decade through aggressive and deceitful legal practices<sup>1</sup>.

10. Subsequent to a 7-minute "meeting", the Claimant was escorted off site, without the opportunity to collect her belongings. Correspondence dated 16th January 2009 between Martin Ferber and Nicola Wilkinson, of Pfizer Ltd, is cited to state "I did not wish for this to be a pleasant experience". The Claimant was further not offered a statutory appeal, in breach of UK laws. The Claimant had submitted a self-directed appeal to the US Chief Executive Officer of the Corporation, Mr. Kindler, as per contractual agreement with her then employer, Pfizer.
11. In a letter dated 3<sup>rd</sup> of April 2009, from Ms Rogers, the US VP of Human Resources had falsely alleged that the Claimant "had been invited to a meeting" and that the claimant "had failed to attend". There is no basis or any evidence for such fabrications.
12. On 14th April 2009, an unlawful dismissal claim was filed by the instructed solicitors at Davies Arnold Cooper LLP, on behalf of the Claimant, for racial and disability discrimination and automatic unlawful dismissal pursuant to Public Information Disclosure Act (PIDA) 1998, concerning Pfizer's management and conduct, in the claimant's raised PIDA and product related concerns, which had included Lyrica.
13. Pfizer, represented by the firm Speechly Bircham, is evidenced in writing to have acted in collusion with Davies Arnold Cooper as of 13 July 2009.
14. On 31<sup>st</sup> of July 2009, the Claimant had submitted a Data Subject Access Request to Mr Kindler, as drafted by Davies Arnold Cooper.

<sup>1</sup> Kano Trovan clinical trial: In 1996 Pfizer has caused the death, disability and bodily harm to 100 children in an unlawful clinical trial during a meningitis outbreak in Kano. The company had later faked a clinical trial license from the Nigerian Authorities and is evidenced to have stolen the children's medical notes from the native country. The company had held these from disclosure for 11 years in the US whilst employing every litigation tactic to bar the Nigerian Government from bringing legal action against them. The drug did not have any such license for use, is banned throughout EU due to hepatotoxicity, which the Regulators cited for banning the drug from clinical use. Hepatotoxicity of the extents detected in the recipient patients would be known to a company through early stage animal studies and prior to use in man. It would appear that Pfizer had not included this in their reports and submissions to the relevant authorities in gaining a license for Phase 1-4 studies, and in post-marketing surveillance. The immediate cause of the Kano tragedy, beyond any medicinal and pharmacodynamic properties, had however been similar to what the claimant had advised her colleague in a separate matter during her employment in June 2008. The presence of foreign matter and precipitation upon reconstitution would inadvertently cause an autoimmune cytokine storm in the recipient group. Such an issue would arise through faulty techniques and within the context of *in-vivo* intravenous use. The company CEO had been advised by a letter from FDA to alert Pfizer as to the dangers of the drug upon saline reconstitution rather than water for injection, in expressing alert and concern for the use of trovafloxacin on US patients. The company appears to have transferred its studies to Africa as a result, ignoring the FDA advice letter to the CEO. Most of the parents of the children killed and harmed as a result were not literate and were not advised as to the dangers of the drug being unlawfully used by the company on their infected children in an act which Pfizer had portrayed as Samaritan. A further 100 children had received an under-dose of a comparator anti-infective for the unlicensed trial which was conducted in a field used as a makeshift hospital during a meningitis outbreak. Pfizer's actions in withholding evidence in order to hamper Nigeria's legal actions had been described by US Senate as "appalling", calling for the documents to be released to permit litigation. Pfizer pleaded guilty to serious bodily harm to children subsequent to the release of the documents to a Nigerian Court. The details of the trial, as well as other criminal misconduct in other anti-infective NCEs were directly accessible to the claimant in a chaotic archive system of the Regulatory Affairs Department. The claimant has come to the knowledge of such information as an employee. These were inadvertently discovered as the claimant was deliberately not given any active projects when she had returned from sick leave in 2008. The claimant was searching for NCEs in the regulatory and clinical trial archives with potential to be progressed for further studies and licensing, in order to find active projects within the established products anti-infective portfolio to which she was stated to be "assigned" in 2008.

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15. On 17th of September 2009, the firm Charles Russell was instructed by the claimant in relation to their advisement for breach of the Claimant's Data Subject Access Request by Pfizer Ltd and Pfizer Inc, the company's US parent. A pre-action letter was sent to the Company's US representatives, Sidley Austin and further to Speechly Bircham.
16. It would appear that the claimant's former employment solicitor, Ms Grant of Davies Arnold Cooper has falsely raised issues regarding questions as to the evidence for the Claimant's legal actions. Ms Grant has made malicious statements, attacking the Claimant's honesty, integrity and her ability to assert her legal rights. The claimant believes this to be due to the fact that Ms Grant has been caught falsifying the Respondents' "voluntary disclosures" of 13 September 2009, in response to the claimant's Data Subject Access Request of 31 July 2009. There are several documents, e-mails and evidence which bear reference to solicitor: client privileged discussions held between the claimant and her former employment solicitor, Ms Grant of Davies Arnold Cooper. Ms Grant is believed to be in fear of being found out for her unlawful collusion and conduct, subsequent to any actions filed at the High Court by the claimant.
17. On 17th January 2010, the Claimant's life was threatened. The attack and the instructions by the police subsequent to this threat to the claimant's life is available in a 16 minute 999 call, after 6pm. This fact was communicated to the solicitors of Davis Arnold Cooper on 18th January 2010, within an e-mail request for the collection of the Claimant's legal documents for the employment claim, as the firm ceased to be instructed on 13 January 2010, subsequent to concerns, including their failure to represent the claimant for an entire day's hearing at the tribunal on 7<sup>th</sup> January 2010. The claimant had not waived her right to be present and/or represented.
18. On 19th January 2010, whilst collecting her legal documents, the Claimant had become aware that Davis Arnold Cooper had withheld her own articles and original documents of evidence against Pfizer. These had been entrusted to the firm throughout their instruction, in order to draft the employment proceedings, and further added to periodically, in preparation for the trial at London South Employment Tribunal. The firm was instructed between 14th April 2009 and 13th January 2010. The Claimant had handed in a Data Subject Access Request to the firm at approximately 12 noon, when collecting her belongings. Within the hour of handing the DPA request to the firm, there had been a hoax call to the police, impersonating the claimant, while alleging that she had held "firearms" at her property. The call was stated by Detective Constables to have come from a mobile telephone which had been that of the claimant. The "firearms" hoax call had in fact not been conveyed to the claimant until 25th January 2010, when she was informed by Detective Constables at Holborn Police Station that the call had been on 19th January 2010 at 12.53pm, resulting in police investigations. This could not have been pursued at length, by any authority as the voice could in no way match the claimant's emergency 999 call of 17<sup>th</sup> January 2010. The claimant has a distinct low voice and slight accent. Any such outrageous and scandalous allegation has been malicious and intended to vilify and to discredit the claimant's mental state and credibility as a witness to Pfizer's criminal conduct in the course of its pharmaceutical business, further masking Davis Arnold Cooper's unlawful involvement with the company.
19. On 21 January 2010, subsequent to what can only be described as a manhunt in a manner of being eaten by an angry predatory animal, the claimant was forced into hiding at a small hotel in South Kensington. The claimant had spent the entire night shaking till the morning in her hotel room. At approximately 5.30 am, the claimant had sent a text message to her then DPA lawyer, Andrew Sharpe of Charles Russell, to request that he would meet her prior to an arranged joint meeting at the European Medicines Agency (EMA).
20. On 22 January 2010, whilst on the way to the meeting at EMA, the claimant's solicitor of the preceding paragraph was heard to be in a telephone discussion which indicated that the three respondents in her employment claim had been sacked. The company had however decided to change its tactics and re-employed the individuals. The claimant's solicitor was being asked for advice as to the fact that their P45s had been seen by a member of staff would be a breach of DPA 1998. Mr. Sharpe would not disclose the identity of the caller. The claimant contends that omission to tell the truth to one's own client, as much as falsification, is an act of deceit.
21. It has been conveyed in correspondence by Charles Russell LLP on 13 May 2010 that the claimant's mobile phone has in fact been cloned, which may go some way to explain the "firearms" hoax call to the police on 19<sup>th</sup> January 2010. A further intension may have been disqualify the claimant from professional practice. The legal right to hear arms in the UK is not available to any person with professional duty of care for patients.
22. Davis Arnold Cooper is evidenced to have deliberately mishandled the Claimant's employment proceedings and had deliberately "come off record" just before a contrived 'PHR/CMD', on 5<sup>th</sup> January 2010. This had been arranged by Pfizer, and their instructed solicitors, Speechly Bircham, evidenced in writing to have had prior knowledge of the fact in December 2009. This action is unlawful pursuant to Articles of the HRA and

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strictly prohibited by the Solicitor's Regulatory Authority. The two law firms are under investigation by the SRA as of 14<sup>th</sup> of May 2010.

23. The Employment Judge at London South Employment Tribunal, Mr Christopher Baron, has been repeatedly evidenced to have falsified court documents at the Tribunal, as of January 2010. Mr Baron has been independently witnessed to have spent private time with Pfizer's instructed solicitors and Council. Mr Baron has further interfered with the proceedings at the Employment Appeal Tribunal, subsequent to the claimant's applications to the Superior court, dated 7th February 2010 and 22nd April 2010. There is evidence in these regards in his signed "list of reasons" for the unlawful strike out of the claimant's employment proceedings, by order dated 11 March 2010. The Judge has further ordered legal costs in favour of Pfizer by order dated 11 March 2010. This is despite the fact that no party is expected to pay for legal costs at Employment Tribunals in UK, by default of litigants having become unemployed at the first place to raise proceedings. The reason is the permission of litigants in person to access in justice.
24. There is substantial evidence that the Claimant's honest comments, citing Pfizer's falsified comments and that of withholding evidence, to have been deliberately written up as "scandalous" and intended to "vilify" the individuals concerned, in order to fabricate a basis to strike out the claimant's lawsuit as being due to "insult" or "behavior" issue. The Claimant is not of Anglo-Saxon origin and her albeit emotional comments, which are culturally appropriate to her race and temperament, had at no stage been either false or irrational in the context of the proceedings.
25. Pfizer has been printing out entire book chapters such as Harvey T, on how to strike out lawsuits prematurely, as evidenced by their Council's submissions to the Tribunal on 7 January and 3 February 2010, further in breach of UK copyright laws. The main focus up to that point had been cases quoted as "Khan", Bennett vs London Borough of Southwark and Bennett vs London Probation Service. Mr. Christopher Baron is cited as the judge on that case and the latter EAT case law has incredible and suspicious similarity to the Claimant's lawsuit, as if being followed like a script. It is noted that the judge for the Employment case at the tribunal had been different at the initial stages of the proceedings; but the judge and the caseworker were suddenly changed between May-August 2009, without any offered explanation. The first judge was not sympathetic to Pfizer and had refused their 28 day request for extension to their ET3 defense to that of 14, which was appropriate, given a prior extension of 21 days from the filed ET1 claim of 14 April 2009.
26. The subsequent ET3 filed by Robert Thomas of Speechly Bircham is an endless list of falsifications and denials, despite the available written evidence in those regards. Mr. Thomas has been repeatedly evidenced and heard to be making false comments and unlawful denials over the course of proceedings and evidenced to be of a deeply immoral and dishonest character.
27. On 17th May 2010, the Claimant obtained copies of internal email correspondence from the firm Charles Russell, showing that solicitor-client privilege has indeed been breached in addition to those of the claimant's solicitors at Davis Arnold Cooper, and that all such communications had been forwarded to Pfizer, leaving the Claimant in unlawful legal detriment, in being denied the right to a fair trial, which is a protected Article 6 fundamental right. This is a further breach of statutory law, pursuant to DPA 1998, and gross professional misconduct as per Law Society and the Solicitor's Code of Practice in revealing privileged solicitor: client legal confidentiality. There is absolutely no defense for this breach in the eyes of the law within any jurisdiction. Mr. Sharpe had discussed a "super injunction", which has been described as absolute nonsense by the chief legal council of the Royal Courts of Justice, and referred to as a criminal offence. This breach has been instigated by Pfizer and their instructed solicitors in US and UK in making false threats of libel action against any firm who supported the claimant's litigation. The "super injunction" had been intended to cover up Pfizer's deceitful conduct in making the claimant's solicitors liable for any breach of a dubious behind the scene agreement between Speechly Bircham, Davis Arnold Cooper and Charles Russell. The latter two firms are in further breach of their contractual agreement with their own client in failing to defend or lawfully represent the claimant, despite making hefty charges for their service.
28. On 10<sup>th</sup> of June 2010, whilst making enquiries as to the progress of the complaint against Speechly Bircham in their professional misconduct in dealing with legal proceedings and their collusion with the claimant's solicitors, it had been conveyed that the SRA had received e-mails from the Claimant in June 2010. The claimant has not sent any e-mails to the SRA since 24 May 2010. The claimant has not received a response as to the complaint made in May 2010. It is possible that any e-mailed correspondence from SRA may have been deleted from the Claimant's e-mail account. Due to the unusual and astonishing complexities and unlawful conducts to date which cannot be detangled without making further complaints, the claimant has not pursued matters with SRA until such time that the truth of matters and logical explanations has become available.
29. On 15th June 2010, the Employment Appeal Tribunal had bizarrely stated that they did not have "jurisdiction" to hear the appeal and had further stated that the Claimant's "behaviour" was the basis of Mr.

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Baron's unlawful and premature strike-out of the Employment claim. This is not completely accurate as Mr Baron should have never had cite of the claimant's application to EAT dated 7 February 2010, which was deemed to be "unconstituted", by order of EAT dated 2 March 2010.

30. In a letter dated 22<sup>nd</sup> of June 2010, from Mr. Latham, the president of Employment Tribunals, had stated in correspondence, subsequent to a complaint made about Mr. Baron's unlawful judicial conduct that the list of reasons submitted to the Claimant, dated 1st April 2010, by Mr Baron, is "purported." This list consists of 131 paragraphs of falsified and twisted statements, signed by employment Judge Baron, all of which are derogatory towards the Claimant, and communicate a malicious impression that the Claimant is "incoherent," "not understood" or that the claimant has made "allegations", rather than making intelligent statements. This is unlawful, wholly biased and could not be true from the point of view of any independent person, given the claimant's background, experience and education, or the facts of the matter. The transcripts from the "PHR/CMD"s of 3 February 2010 and those regarding the "PHR" (without application in place on behalf of Pfizer), of 10 March 2010 are not accurate recordings of the actual discussions held on the relevant days. Mr. Baron is directly evidenced to have lent his signature to Pfizer.
31. Mr. Baron had further falsified the tribunal orders to state that that the claimant's concerns regarding the solicitors at Davis Arnold Cooper, whom were no longer retained as of 13 January 2010, was a complaint which had been "withdrawn". This is categorically inaccurate. Andrew Sharpe of Charles Russell who had accompanied the claimant to the "PHR" of 10 March 2010 at London South Employment Tribunal is an independent witness to this fact. There was a second independent witness present during the hearing on that date, which the Judge had categorically refused to name, despite an application made by the claimant, seeking the identity of this witness for the 10 March 2010 hearing at the tribunal.
32. The claimant's e-mails are evidenced to be intercepted by and on behalf of Pfizer as of 19 October 2009. Written evidence of interceptions is available in Pfizer's court submissions, as filed by Speechly Bircham in UK. The Instructed solicitors, such as Mr. Thomas, submit all of the corporation's falsified statements and documents without verification, or due regard to the UK statute or the Solicitor's code of conduct. Whilst not exhaustive, the dates include: 1 and 4 December 2009, 22 February 2010, 27 February 2010, 1 March 2010, 10 March 2010, 26 March 2010, 12 May 2010, and 4 June 2010. The latter is categorical evidence of Pfizer and Speechly Bircham's unlawful access of the claimant's personal e-mail account, whilst making false accusations and assumptions about the reason for claimant's attendance at the Royal Courts of Justice, the High Court. The defendants had falsely accused the claimant of having an ex-parte meeting with the Data Protection Judge on the evening of 4 June 2010, as though the Courts are the Judge's private household; and have had the incredible audacity to write to both the claimant and independently to the Judge to state that they were forbidden to meet in Pfizer's absence, whilst attaching a copy of the Chancery Guide for the Judge at the High Court. This is despite Pfizer being in breach of the High Court order of 1 April 2010, and their repeated enforced fines and corporate integrity agreements in their own native country of US for deliberately breaking the law which they cite as "voluntary". The claimant is certain that the High Court has its own copy of the Chancery Guide and does not require convicted criminals for the provision of further copies, or indeed the audacity of being told how to practice law. Furthermore, there was no ex-parte meeting, which is yet another example of Pfizer's repeated attempts at attaching their own unlawful conduct and misdemeanors to the Claimant by reverse association, in a malicious attempt to repeatedly humiliate, embarrass and falsely discredit the claimant as a viable witness who can give oral account of her experience and conduct of Pfizer, should they have succeeded to delete and/or remove from detection the written evidence of their unlawful conduct and practices within the company. Furthermore, they have unequivocally exposed themselves for directly accessing the claimant's private and personal e-mails in her Hotmail account, which is unlawful in all jurisdictions and a breach of Article 8 which protects privacy as a fundamental human right. Pfizer and their solicitors are also evidenced to have gained unlawful access to the claimant's medical notes, which is shocking and a criminal offence for the company and all those involved in any such disclosure. It is subject to criminal prosecution pursuant to Article 8 and Privileged healthcare information. There has been no reason or consent for this matter.
33. Between 10<sup>th</sup> to 29<sup>th</sup> of June 2010, the Claimant's friends, including a student nurse Bola, whom the claimant has known since 2007, had raised concerns in relation to the fact that repeated blank text messages had been received from the Claimant's mobile telephone. Bola had left the claimant a voice message, in order to raise her concern and alert the claimant, stating that she is worried. These messages were not sent by the Claimant. It is clear that individual/s involved in the legal proceedings maliciously intend to raise concerns with the Claimant's coherence and credibility in order to impede her litigation. The Claimant believes this to be her former employment solicitor, Allison Grant of Davis Arnold Cooper, as she fears being found out for assisting Robert Thomas of Speechly Bircham and employees of Pfizer Ltd with the falsifications discovered in the 13<sup>th</sup> September 2009 "voluntary disclosures". Much of the evidenced



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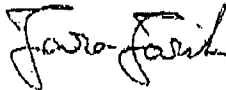
falsifications in the court submissions have been intended to strengthen the legal position of Pfizer by unlawful means, and had further included subliminal messages for the claimant as a threat to withdraw from litigation against the company. The falsified records and evidence involve James Barrass, Julian Thompson and Martin Ferber of Pfizer Ltd who effected the claimant's unlawful dismissal of 15 January 2009, in breach of UK statutory legislation. The latter is additionally evidenced to be the individual who has falsified the claimant's Accident Report form of 6<sup>th</sup> August 2008, to falsely state that the claimant was an "arm sling to the left" at the time of the claimant's industrial accident on Pfizer's premises on 6<sup>th</sup> August 2009. This was a reference to a meeting held between Mr Ferber and the Claimant on 16 August 2009, during the claimant's period of sick leave, where she was indeed wearing one arm sling to the left subsequent to the fractures sustained on 6 August 2010. The fraudulent re-writing and falsifications of the Accident Report Form which was reported by a different manager entirely at the time of the accident, is unlawful pursuant to Fraud Act 2006, and believed to be intended to reduce the insurance pay out of any perceived Personal Injury claim by the claimant. No such claim has been filed to date.

34. The unlawful actions of the instructed solicitors and Pfizer have been maliciously intended to raise questions as to the Claimant's credibility, invade her privacy and statutory privilege. Such actions have been money-driven and instigated to serve the Company's financial goals. The company has been repeatedly witnessed and evidenced in writing to have no due regard for the law and astonishingly appears to be assisted in these regards by public officials who have legal and ethical responsibilities in the capacity of their function and position.

### STATEMENT OF TRUTH

I believe that the facts stated in this document and any continuation sheets are true.

Signed:



Dated:

2/8/2010

**IN THE SUPREME COURT OF STATE OF NEW  
YORK**

**2 August 2010**

# IN THE SUPREME COURT OF STATE OF NEW YORK

Dr Farnosh Fariba

V

PFIZER INCORPORATED

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## WITNESS STATEMENT OF THE CLAIMANT

### PFIZER CORPORATION

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1. I was employed by the company Pfizer in the European division of the Worldwide Regulatory Affairs division of the US based pharmaceutical firm since 2 June 2008, but faced a US dismissal under unusual circumstances in 2009. I am a witness to criminal conduct by the company's senior UK and US officials and live in serious fear for my life.
2. Prior to employment at Pfizer, I had worked within the Global Prescriber and Patient Information division of Worldwide Regulatory Affairs at GlaxoSmithKline as the Global lead, reporting to the labelling and Global Safety Board of that company. The Regulatory Affairs and Intellectual property functions of pharmaceutical firms are responsible for the safety and clinical trial submissions to the relevant Authorities, and the registration and approvals of medicines. In my role at Pfizer, I was responsible for the safety issues and submissions to the European Medicines Agency (EMA), as appropriate to the European division.
3. Due to the "overwhelming safety issues" with the medicinal product pro-gabalin (Lyrca), the EU Regulatory department of the company had insisted on a secondary, parallel recruitment drive, in addition to their HR, in order to speed up my recruitment into the company, below grade and contrary to agreed terms and project responsibilities into another manager's group. This medicinal product which is presently licensed as a second line anti-epileptic and for nerve related pain, has been the subject of criminal prosecutions by the Department of Justice in the United States due to Pfizer's fraudulent conduct and money laundering offences in sale and off license promotion and defrauding the US Department of Health. This subsequently resulted in a settlement being made by the US Department of Justice on 31 August 2009, including payment of a US\$2.3 billion fine, whilst Pfizer agreed to plead guilty under the subsidiary of Pharmacia and Upjohn, in order to desist from its imminent financial collapse by accepting the criminal charge. The company continues to make further settlements in these regards in the United States.
4. I had filed court proceedings at an Employment Tribunal in UK, where I was based in claiming unfair dismissal pursuant to breach of Employment and statutory laws, including the Public Information Disclosure Act 1998. Pfizer officials and the representative solicitors in the UK, Speechly Bircham have taken unlawful steps to deny my right to a fair trial by exceptional and disproportionate measures and illegitimate means. This has included actual and psychological aggression, stealing court evidence which has belonged to me, withholding material evidence for my claim, including my personal and employment files and my work at the company, making threats of libel action to my instructed solicitors in my representation, hacking into my personal e-mail account, cloning my mobile phone, accessing my personal data. The company has been evidenced to have falsified court evidence which has been "volunteered" as a "goodwill gesture", whilst in breach of court order for disclosure of evidence. This had gone unchallenged by the Judge, who is further evidenced in writing to be falsifying the relevant court documents. My life was threatened on 17 January 2010 in order to instil fear in me and withdraw from litigation. The company is facing investigations by the European Medicines Agency (EMA) for the same issues which had led to the US criminal charges and fines in 2009. The company has embarked in a campaign of falsehoods and vendetta in order to discredit my reputation and play down my witness accounts. A total of

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sixteen written threats have been issued to me directly or via solicitors in an attempt to gain access to a computer which I had used at the time of my employment. The company had failed to retrieve the computer during a 7 minute US dismissal based on falsified internal records in order to maliciously fake records to insinuate occupational incrimination and "incompetence" in effecting a contrived constructive dismissal, in breach of UK Employment and Employment Rights Act on 15 January 2009.

5. I filed proceedings for unfair dismissal on 14 April 2009 and a claim for breach of Data Protection Act in seeking to view my personal data and effect correction of falsified internal records on 9 March 2010. The claim was served on the small UK subsidiary where I was based and further on the US parent of the company in the United States on 3 April 2010, upon permission of the High Court for service out of jurisdiction, dated 1 April 2010.
6. The firm Speechly Bircham is presently under investigation by the solicitor's Regulatory Authority for unlawful collusion with my former employment solicitor and is evidenced to have deceived and misled the courts in making false claims and representations. Pfizer has further been evidenced to have paid off the Employment Judge in my proceedings and are evidenced to have influenced further court decisions and hearings via corrupt senior officials in the UK.
7. Evidence belonging to me has further been missing in unusual circumstances since January 2010, which has required notification to the Solicitor's Regulatory Authority, in order to seek investigation into the conduct of the Employment proceedings at London South Employment Tribunal, my former employment representatives, Davis Arnold Cooper, and Pfizer Limited representatives, Speechly Bircham. The missing files and Court evidence concern both my employment claim and the present proceedings pursuant to breaches of the Data Protection Act and relevant EU directive at the High Court. The missing court file for my claim has further included my contract of employment with the company, internal company policies, witness statements and other articles of evidence against the respondents in my claim, which have at all times belonged to me. The missing evidence was reported as missing/stolen on 8 February 2010 at Kentish Town police station in UK. The missing evidence is in detriment to my claim at the High Court, and my employment proceedings in the UK.
8. Whilst some photocopies of my missing evidence has been made available to me by Speechly Bircham on 12 February 2010, in an effort called "re-disclosure" [?], the further copies provided have undergone change in their text by conversion. The firm is further continuing to make available some documents from my missing file in applications to the Royal Courts of Justice in London, whilst withholding further remaining pages.

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### BACKGROUND TO THE EMPLOYMENT CLAIM

9. I was initially advised in her employment claim by Davis Arnold Cooper LLP. However, for reasons that remain under investigation, Davis Arnold Cooper is no longer instructed by me. The firm has failed to return my own Court evidence for both proceedings without any adequate explanation and has failed to represent me immediately before a pre-arranged "urgent" case management discussion on 7 January this year, in order to unlawfully warp up my case. Since ceasing to instruct David Arnold Cooper, and the complications caused by the conduct of the employment proceedings, I have been a litigant in person. I am opposed by a legal team that consists of two barrister and solicitors from the firm Speechly Bircham. My employment case has been unusually subject to a striking out order, which means that I am having to appeal the decision from the Tribunal in order to have my case reinstated before I can obtain a trial. In addition to the denial of my protected right for a fair trial, Pfizer's falsified malicious propaganda during my employment and since, has resulted in a campaign to vicariously discredit my reputation personally and professionally. I am also being maliciously pursued for legal costs of several million pounds, without explanation for such disproportionate and extravagant legal expenses for proceedings at an Informal Employment Tribunal, and for the proceedings at the High Court, whilst being assisted by Speechly Bircham, by mens rea and actus reus, which is a further criminal offence for the firm, separately from the defendants, Pfizer Ltd and Pfizer Inc.
10. Since ceasing to instruct David Arnold Cooper, and the complications caused by the conduct of the employment proceedings, I have been a litigant in person. I am opposed by a legal team that consists of two barrister and solicitors from the firm Speechly Bircham. My employment case has been unusually subject to a striking out order, which means that I am having to appeal to the decision from the Tribunal Appeals Court and approach the Court of Appeal in order to have my case reinstated before I can obtain a trial, at the High Court, pursuant to UK Public Interest Disclosure Act 1998 (PIDA 1998), and Criminal Justice & Public Order Act, while accommodating freedom of expression under Public Order Act 1986, s 4A (1). I will aver to the company's active unlawful financial gains of by unlawful promotion in literature and prescriber correspondences, making false claims of safety & efficacy by the Respondents from the UK National Health Service and all such pan European government funded public services, which are further regulated by the European Economic Commission, and the European Medicines Agency (EMA), outside a product license and the authority to do so, prohibited by Fraud Act 2006, Proceeds of Crime Act, s93A of the Criminal Justice Act 1993.
11. As per conduct of the late Robert Maxwell of United Kingdom, it appears that Pfizer is using the threat of libel to hide and block disclosure of it's misdemeanours and is taking active steps to hide and/or destroy existing evidence of the conduct of it's employees which amount to breaches of Statutory and Regulatory obligations. Pfizer is witnessed and evidenced to be actively taking steps to ensure profit margins and a high positive "business impact", in full knowledge of the detriment to the health and well being of the recipient public, as the consumers of it's medicines and seeks to silence any exposure of such conduct by covert and unlawful means.

### DATA PROTECTION ACT PROCEEDINGS

12. The claims for the breaches of Data Subject Access have been served in the UK on 9 March 2010 on Pfizer UK on 3 April 2010 on Pfizer Incorporated via High Court Order for permission of Service Out of Jurisdiction, upon application dated 31 March 2010.
13. Pfizer has attempted to allege in legal correspondences that they cannot find information of my work on the controversial product pregabalin (Lyrica), as requested by specific disclosure, despite evidence to the contrary, and the fact that Lyrica had been on Litigation Hold, impeding the Respondents from legally deleting correspondences regarding the product. Evidence to the contrary of claims of deletion further exist within the improper disclosures, and have further been admitted to in legal correspondences, citing "commercial sensitivity". As these documents are being withheld in detriment to my right to a fair trial, their disclosure has been material to court proceedings.
14. The Defendant's had falsely alleged "sabotage" of the Lyrica project by me in relation to my PIDA disclosures to management in July 2008, and failed to take accountability for their unlawful conduct by falsifying my internal records. Pfizer has further intended to use falsified records, as evidence presented to Court by way of "justifying" their unlawful actions, in order to impede a fair and deny a balanced impression of my work performance, while withholding key relevant documents and personal data. Further, the genuine indicators of the my conduct and performance contained within the Lyrica e-mails and work folders are being deliberately withheld, with the unacceptable reluctances offered in the way of "deleted" material, when the product had

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been and continues to be on litigation hold, as stated. There is written proof from the Defendants that Lyrica correspondences do exist, and further, the refusal to accept an ordered forensic expert assigned by a Court, shadows ill-motivated misrepresentations previously to an Employment Tribunal and the High Court.

15. Whilst failing to investigate evidence of active breaches of statutory and regulatory and ethical obligations by the pharmaceutical company, Pfizer now fears exposure of their civil and criminal misconduct due to disclosure requirements for the filed court proceedings. The threat for the company principally concerns the Lyrica documentation, which following disclosure would incur sanctions and penalty from the concerned Regulatory Authorities for the Defendants in the claims in Europe. Pfizer is further failing to comply with the legally expected adherence to an enforced Integrity Agreement as set out by the US Department of Justice in these regards, as signed on 31 August 2009. This is Pfizer's fourth enforced Integrity agreement in the past ten years.
16. My court proceedings are a sensitive and controversial issue for Pfizer, as:
- a. The CHMP group of the European Medicines Agency, EMEA is having a "crisis of confidence" in the safety and efficacy of Lyrica, as evidenced by the PSUR assessment report of the committee's Dutch Rapporteur in June 2008.
  - b. The application for an extended indication of fibromyalgia to the EMEA, which the Claimant was directly involved with has been rejected in April 09, citing inconsistencies and failure to establish the safety of the product, by way of lacking scientific evidence obtained from Clinical Trials carried out and submitted in full integrity.
  - c. Lyrica is currently a medicine with a "black box" warning as enforced by the FDA and the EMEA in the summer of 2008, and is being intensely monitored by these authorities for all reports and anomalies, relating to the product's capacity to effect suicidal ideation of patients, and otherwise.
  - d. The Respondent has been the subject of active investigations by the US Department of Justice, Department of Health and Human Services, the FBI and the US medicines regulatory body, the FDA, and has subsequently been charged with fraud and criminal offences in September 2009. The presented evidence in relation to the knowing and off label clinical promotion of products, in disregard of lack of evidence of safety and efficacy, by way of performing Clinical Trials which would enable the scientific proof for applications to the relevant Authorities, in granting of a marketing license, extend to the European Region, which has to date not been formally investigated. There is evidence that out of license marketing promotions still continue in the EU, as evidenced in recent literature publications for Clinicians, within sponsored editorials, which are referenced as such by way of article disclaimers, and these will be exposed during the High Court trial which is forthcoming subsequent to the filed proceedings by the Claimant.
17. My evidence and witness accounts, whether Lyrica related or not, are further protected by the UK Public Information Disclosure Act, and of relevance to the EMA and the individual European Regulatory Authorities in the EU. Pfizer has failed to honour court orders and regulations, which it has described as "voluntary" and has continued to fail to conduct itself within lawful business practice, despite its fourth enforced Integrity Agreement signed on 31 August 2009, which it has already breached, as evidenced. Pfizer has continued to refuse to hand over required court records in original integrity, as they stand, whether or not Lyrica is the subject matter of the evidence, and is additionally refusing to have an external IT expert retrieve the material for the relevant court proceedings.

### STATEMENT OF TRUTH

I believe that the facts stated in this document and any continuation sheets are true.

Signed:

*Jara Fawcett*

Dated:

2/8/2010.

**IN THE SUPREME COURT OF STATE OF NEW  
YORK**

IN THE ACTION BETWEEN

Dr Farnosh Fariba

V

PFIZER INCORPORATED

---

**Annex**

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## IN THE SUPREME COURT

### Background

#### Unlawful Intrusion Into private affairs and information

Invasion of privacy and privileged personal information, seeking to publicize the claimant in a false light to effect injury and pervert the course of justice

#### a) Breach of Safe Harbor Act

In October 1998, the European Union passed the European Union Data Protection Directive. This Directive places new requirements on businesses that wish to collect, process or transfer personal data from an EU Member State.

Under the Directive, the transfer of personal information from an EU Member State to a non-EU country is forbidden unless the receiving country provides an "adequate" level of privacy protection. The EU Directive has very strict privacy rules pertaining to personal information of its citizens.

In order to avoid potential disruptions in trade between the U.S. and the EU, the U.S. Department of Commerce in consultation with the European Commission and industry developed the Safe Harbor framework. This framework allows U.S. companies a means of assuring that they will provide an adequate level of privacy protection, thereby satisfying the "adequacy" requirement of the European Directive of Data Protection.

The defendant did not have written consent for receiving or processing the claimant's sensitive personal data under the safe harbour Act.

#### b) Breach of Constitutional Basis for Right to Privacy

The Fourth Amendment to the Constitution of the United States ensures that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated."

The First Amendment provides a right to free assembly, broadening privacy rights.

The Supreme Court has recognized the Fourteenth Amendment as providing a substantive due process right to privacy. The Supreme Court Justices have recognised this right in *Griswold v. Connecticut*, 1965 and in 1973 in the case of *Roe v. Wade* which invoked the right to privacy.

The human right to privacy is a fundamental protected right, to include a "recognition of man's spiritual nature, of his feelings and his intellect." Including a basic "right to be let alone," and the definition of "property" comprising "every form of possession – intangible, as well as tangible." [Supreme Court case of *Kyllo v. United States*, 533 U.S. 27 (2001)]

For private individuals, the protection of thoughts, sentiments, and emotions, expressed through the medium of writing is one's legal right, including such things as personal diaries, e-mails, telephonic communications and letters. The claimant's the publication of private e-



mails with her instructed solicitors or her friends and family is unlawful breach of confidence and breach of trust, where a person has trusted that another will not publish their personal writings, photographs, or exchanges, without their permission, including any facts relating to his/her private life, which he/she has seen fit to keep private.

1. **Intrusion of solitude:** physical or electronic intrusion into the claimant's private quarters.
2. **Public disclosure of private facts:** the dissemination of private information which a reasonable person would find objectionable
3. **False light:** the publication of facts which places the claimant in a false light

### **Intrusion of solitude and seclusion**

The Supreme Court action for invasion of privacy is supported by the facts of the case, and causing actual damages.

Intrusion upon seclusion occurs when a perpetrator intentionally intrudes, physically, electronically, or otherwise, upon the private space, solitude, or seclusion of a person, or the private affairs or concerns of a person, by use of the perpetrator's physical senses or by electronic device or devices to oversee or overhear the person's private affairs, or by some other form of investigation, examination, or observation intrude upon a person's private matters if the intrusion would be highly offensive to a reasonable person. Hacking a computer is an example of intrusion upon privacy.

In determining whether intrusion has occurred, one of three main considerations may be involved: expectation of privacy; whether there was an intrusion, invitation, or exceedance of invitation; or deception, misrepresentation, or fraud to gain admission. Intrusion is an information-gathering, not a publication. The legal wrong occurs at the time of the intrusion. No publication is necessary.

Even the Constitutional First Amendment is not a license to trespass, to steal, or to intrude by electronic means into the precincts of another's home or office."

### **Public disclosure**

Public disclosure of private facts arises where one person reveals information which is not of public concern, and the release of which would offend a reasonable person. Unlike libel or slander, truth is not a defense for invasion of privacy. Disclosure of private facts includes publishing or widespread dissemination of little-known, private facts that are non-newsworthy, not part of public records, public proceedings, not of public interest, and would be offensive to a reasonable person if made public.

### **False light**

The privacy laws in the United States include a non-public person's right to privacy from publicity which puts them in a false light to the public; which is balanced against the First Amendment right of free speech.

False light laws are intended primarily to protect the plaintiff's mental or emotional well-being." If a publication of information is false, then a tort of defamation might have occurred. If that communication is not technically false but is still misleading then a tort of false light has occurred. These elements consist of the following:

1. A publication by the Defendant about the Plaintiff;
2. made with actual malice ;New York Times v. Sullivan ;
3. which places the Plaintiff in a false light; AND
4. that would be highly offensive (i.e., embarrassing to reasonable persons).

One who gives publicity to a matter concerning another before the public in a false light is subject to liability to the other for invasion of privacy, if (a) the false light in which the other was placed would be highly offensive to a reasonable person, and (b) the person had knowledge of or acted in a reckless disregard as to the falsity of the publicized matter and the false light in which the other would be placed."

The wrongful act is that the defendant had no right to the claimant's private e-mail communications or information exchanges in confidence and privilege with her own instructed solicitors. Such as invasion of privacy is further a criminal offence as it has rendered the claimant in legal detriment in her right to litigate.

No showing of actual harm or damage to the plaintiff is usually required in false light cases, and the court will determine the amount of damages. Being a violation of a Constitutional right of privacy, there is no applicable statute of limitations specifying a time limit within which period a claim must be filed. Publicity means that the matter is made public, by communicating it to the public at large, or to so many persons that the matter must be regarded as substantially certain to become one of public knowledge.

**The Claimant seeks damages for**

Breach of the right to freedom from threat to safety and security, and

Breach of right to respect and dignity, and

Breach of fundamental rights in obtaining and presenting evidence for a fair trial, and

Correction of internal personal documents held by the company which have been manipulated, obtained, processed and falsified by the employees of the defendant, in the jurisdiction, and the UK.

Violation of privacy pursuant to the Safe Harbor Act and the Fourth Amendment right to be free of unwarranted search, and the Fourteenth Amendment due process right, recognized by the Supreme Court as protecting a the right to private and family life.

## IN THE SUPREME COURT OF STATE OF NEW YORK



# Department of Justice

FOR IMMEDIATE RELEASE  
Wednesday, September 2, 2009  
[WWW.USDOJ.GOV](http://WWW.USDOJ.GOV)

AAG  
(202) 514-2007  
TDD (202) 514-1888

### Justice Department Announces Largest Health Care Fraud Settlement in Its History *Pfizer to Pay \$2.3 Billion for Fraudulent Marketing*

WASHINGTON – American pharmaceutical giant Pfizer Inc. and its subsidiary Pharmacia & Upjohn Company Inc. (hereinafter together "Pfizer") have agreed to pay \$2.3 billion, the largest health care fraud settlement in the history of the Department of Justice, to resolve criminal and civil liability arising from the illegal promotion of certain pharmaceutical products, the Justice Department announced today.

Pharmacia & Upjohn Company has agreed to plead guilty to a felony violation of the Food, Drug and Cosmetic Act for misbranding Bextra with the intent to defraud or mislead. Bextra is an anti-inflammatory drug that Pfizer pulled from the market in 2005. Under the provisions of the Food, Drug and Cosmetic Act, a company must specify the intended uses of a product in its new drug application to FDA. Once approved, the drug may not be marketed or promoted for so-called "off-label" uses – i.e., any use not specified in an application and approved by FDA. Pfizer promoted the sale of Bextra for several uses and dosages that the FDA specifically declined to approve due to safety concerns. The company will pay a criminal fine of \$1.195 billion, the largest criminal fine ever imposed in the United States for any matter. Pharmacia & Upjohn will also forfeit \$105 million, for a total criminal resolution of \$1.3 billion.

In addition, Pfizer has agreed to pay \$1 billion to resolve allegations under the civil False Claims Act that the company illegally promoted four drugs – Bextra; Geodon, an anti-psychotic drug; Zyvox, an antibiotic; and Lyrica, an anti-epileptic drug – and caused false claims to be submitted to government health care programs for uses that were not medically accepted indications and therefore not covered by those programs. The civil settlement also resolves allegations that Pfizer paid kickbacks to health care providers to induce them to prescribe these, as well as other, drugs. The federal share of the civil settlement is \$668,514,830 and the state Medicaid share of the civil settlement is \$331,485,170. This is the largest civil fraud settlement in history against a pharmaceutical company.

As part of the settlement, Pfizer also has agreed to enter into an expansive corporate integrity agreement with the Office of Inspector General of the Department of Health and

## IN THE SUPREME COURT OF STATE OF NEW YORK

Human Services. That agreement provides for procedures and reviews to be put in place to avoid and promptly detect conduct similar to that which gave rise to this matter.

Whistleblower lawsuits filed under the *qui tam* provisions of the False Claims Act that are pending in the District of Massachusetts, the Eastern District of Pennsylvania and the Eastern District of Kentucky triggered this investigation. As a part of today's resolution, six whistleblowers will receive payments totaling more than \$102 million from the federal share of the civil recovery.

The U.S. Attorney's offices for the District of Massachusetts, the Eastern District of Pennsylvania, and the Eastern District of Kentucky, and the Civil Division of the Department of Justice handled these cases. The U.S. Attorney's Office for the District of Massachusetts led the criminal investigation of Bextra. The investigation was conducted by the Office of Inspector General for the Department of Health and Human Services (HHS), the FBI, the Defense Criminal Investigative Service (DCIS), the Office of Criminal Investigations for the Food and Drug Administration (FDA), the Veterans' Administration's (VA) Office of Criminal Investigations, the Office of the Inspector General for the Office of Personnel Management (OPM), the Office of the Inspector General for the United States Postal Service (USPS), the National Association of Medicaid Fraud Control Units and the offices of various state Attorneys General.

"Today's landmark settlement is an example of the Department of Justice's ongoing and intensive efforts to protect the American public and recover funds for the federal treasury and the public from those who seek to earn a profit through fraud. It shows one of the many ways in which federal government, in partnership with its state and local allies, can help the American people at a time when budgets are tight and health care costs are increasing," said Associate Attorney General Tom Perrelli. "This settlement is a testament to the type of broad, coordinated effort among federal agencies and with our state and local partners that is at the core of the Department of Justice's approach to law enforcement."

"This historic settlement will return nearly \$1 billion to Medicare, Medicaid, and other government insurance programs, securing their future for the Americans who depend on these programs," said Kathleen Sebelius, Secretary of Department of Health and Human Services. "The Department of Health and Human Services will continue to seek opportunities to work with its government partners to prosecute fraud wherever we can find it. But we will also look for new ways to prevent fraud before it happens. Health care is too important to let a single dollar go to waste."

"Illegal conduct and fraud by pharmaceutical companies puts the public health at risk, corrupts medical decisions by health care providers, and costs the government billions of dollars," said Tony West, Assistant Attorney General for the Civil Division. "This civil settlement and plea agreement by Pfizer represent yet another example of what penalties will be faced when a pharmaceutical company puts profits ahead of patient welfare."

"The size and seriousness of this resolution, including the huge criminal fine of \$1.3 billion, reflect the seriousness and scope of Pfizer's crimes," said Mike Loucks, acting U.S. Attorney for the District of Massachusetts. "Pfizer violated the law over an extensive time period. Furthermore, at the very same time Pfizer was in our office negotiating and resolving the allegations of criminal conduct by its then newly acquired subsidiary, Warner-Lambert, Pfizer was itself in its other operations violating those very same laws. Today's enormous fine demonstrates that such blatant and continued disregard of the law will not be tolerated."

## IN THE SUPREME COURT OF STATE OF NEW YORK

"Although these types of investigations are often long and complicated and require many resources to achieve positive results, the FBI will not be deterred from continuing to ensure that pharmaceutical companies conduct business in a lawful manner," said Kevin Perkins, FBI Assistant Director, Criminal Investigative Division.

"This resolution protects the FDA in its vital mission of ensuring that drugs are safe and effective. When manufacturers undermine the FDA's rules, they interfere with a doctor's judgment and can put patient health at risk," commented Michael L. Levy, U.S. Attorney for the Eastern District of Pennsylvania. "The public trusts companies to market their drugs for uses that FDA has approved, and trusts that doctors are using independent judgment. Federal health dollars should only be spent on treatment decisions untainted by misinformation from manufacturers concerned with the bottom line."

"This settlement demonstrates the ongoing efforts to pursue violations of the False Claims Act and recover taxpayer dollars for the Medicare and Medicaid programs," noted Jim Zerhusen, U.S. Attorney for the Eastern District of Kentucky.

"This historic settlement emphasizes the government's commitment to corporate and individual accountability and to transparency throughout the pharmaceutical industry," said Daniel R. Levinson, Inspector General of the United States Department of Health and Human Services. "The corporate integrity agreement requires senior Pfizer executives and board members to complete annual compliance certifications and opens Pfizer to more public scrutiny by requiring it to make detailed disclosures on its Web site. We expect this agreement to increase integrity in the marketing of pharmaceuticals."

"The off-label promotion of pharmaceutical drugs by Pfizer significantly impacted the integrity of TRICARE, the Department of Defense's healthcare system," said Sharon Woods, Director, Defense Criminal Investigative Service. "This illegal activity increases patients' costs, threatens their safety and negatively affects the delivery of healthcare services to the over nine million military members, retirees and their families who rely on this system. Today's charges and settlement demonstrate the ongoing commitment of the Defense Criminal Investigative Service and its law enforcement partners to investigate and prosecute those that abuse the government's healthcare programs at the expense of the taxpayers and patients."

"Federal employees deserve health care providers and suppliers, including drug manufacturers, that meet the highest standards of ethical and professional behavior," said Patrick E. McFarland, Inspector General of the U.S. Office of Personnel Management. "Today's settlement reminds the pharmaceutical industry that it must observe those standards and reflects the commitment of federal law enforcement organizations to pursue improper and illegal conduct that places health care consumers at risk."

"Health care fraud has a significant financial impact on the Postal Service. This case alone impacted more than 10,000 postal employees on workers' compensation who were treated with these drugs," said Joseph Finn, Special Agent in Charge for the Postal Service's Office of Inspector General. "Last year the Postal Service paid more than \$1 billion in workers' compensation benefits to postal employees injured on the job."

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## IN THE SUPREME COURT OF STATE OF NEW YORK



### European Medicines Agency

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<http://www.ema.europa.eu> © European Medicines Agency, 2009.

London, 23 July 2009

Doc. Ref.: EMEA/464033/2009

EMEA/H/C/546/II/24

European Medicines Agency

#### **Questions and answers on recommendation for the refusal of a change to the marketing authorisation for Lyrica (pregabalin)**

On 23 April 2009, the Committee for Medicinal Products for Human Use (CHMP) adopted a negative opinion, recommending the refusal of a change to the marketing authorisation for the medicinal product Lyrica. The change concerned an extension of indication to add the treatment of fibromyalgia. The company that applied for authorisation is Pfizer Limited.

The applicant requested a re-examination of the opinion. After considering the grounds for this request, the CHMP re-examined the initial opinion, and confirmed the refusal of the marketing authorisation on 23 July 2009.

#### **What documentation did the company present to support its application to the CHMP?**

The company presented the results of five main studies involving over 3,000 adults with fibromyalgia. Most of the patients included in the studies came from outside the European Union (EU).

Four of the studies compared the short-term effects of Lyrica at doses between 150 and 600 mg per day with those of placebo (a dummy treatment) in a total of 2,757 patients. The main measure of effectiveness was the change in pain levels over eight to 14 weeks of treatment.

The fifth study compared the long-term effects of Lyrica with those of placebo in 566 patients who had responded to an initial six weeks of treatment with Lyrica. In this study, the main measure of effectiveness was how long it took until the patient's pain came back. The study lasted for six months.

#### **What were the major concerns that led the CHMP to recommend the refusal of the change to the marketing authorisation?**

The CHMP was concerned that the benefits of Lyrica in fibromyalgia had not been shown in either the short or the long term. There were no consistent or relevant reductions in pain or other symptoms in the short-term studies, and the maintenance of Lyrica's effect was not shown in the longer study. The Committee was also concerned that the safety and effectiveness of Lyrica had not been shown in patients from the EU.

At that point in time, the CHMP was of the opinion that the benefits of Lyrica in the treatment of fibromyalgia did not outweigh its risks. Hence, the CHMP recommended that the change to the marketing authorisation be refused. The CHMP refusal was confirmed after re-examination.

#### **What are the consequences of the refusal for patients in clinical trials with Lyrica?**

The company informed the CHMP that there are currently no ongoing clinical trials with Lyrica in Europe for fibromyalgia.

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**IN THE SUPREME COURT OF STATE OF NEW  
YORK**

Dr Farnosh Fariba

V

PFIZER INCORPORATED

**Legal privilege has not been waived in this document  
and any submissions to the Court.**





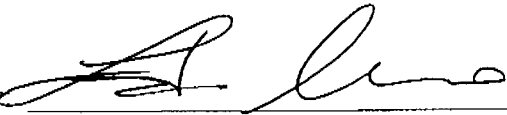
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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DR. FARNOSH FARIBA,	: Index No. 10110186
	: :
Plaintiff,	: :
	: :
vs.	: <b>NOTIFICATION OF FILING OF</b>
	: <b>NOTICE OF REMOVAL</b>
PFIZER INC.,	: :
	: :
Defendant.	: :
	: :
----- X	

PLEASE TAKE NOTICE that Defendant Pfizer Inc. has removed the above-captioned case from this Court by filing a Notice of Removal with the Clerk of the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. A copy of that Notice of Removal, and the attached exhibits, are attached hereto.

Dated: New York, New York  
August 20, 2010

SIDLEY AUSTIN LLP

By 

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NO. \_\_\_ CIV. \_\_\_

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DR. FARNOSH FARIBA,

Plaintiff,

vs.

PFIZER INC.,

Defendant.

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**NOTICE OF REMOVAL**

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